

HOUSE BILL No. 1318

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-6-5-1; IC 9-13-2; IC 9-17; IC 9-18; IC 9-21; IC 9-25-1-7; IC 9-29; IC 13-11-2-130.1.

Synopsis: Motor scooters and motorized bicycles. Provides that effective January 1, 2008, the owner of a motor scooter or motorized bicycle must: (1) receive a certificate of title from; and (2) be registered with; the bureau of motor vehicles. Provides for a fee for the certificate of title and registration. Provides that an individual who operates a motor scooter or motorized bicycle must possess: (1) a motorcycle operator's license; (2) a license endorsement for the operation of a motorcycle; or (3) certain learner's permits. Repeals and relocates provisions concerning certain requirements for the operation of a motor scooter or motorized bicycle. Imposes additional requirements concerning the operation of a motor scooter or motorized bicycle. Requires that certain violations of motor vehicle laws while using a motor scooter or motorized bicycle be considered in determining if a person is a habitual violator of traffic laws. Requires proof of financial responsibility before a motor scooter or motorized bicycle may be operated. Makes conforming amendments.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Interstate and International Cooperation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1318

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-6-5-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As used in this chapter,
3 "vehicle" means a vehicle subject to annual registration as a condition
4 of its operation on the public highways pursuant to the motor vehicle
5 registration laws of the state.
6 (b) As used in this chapter, "mobile home" means a
7 nonself-propelled vehicle designed for occupancy as a dwelling or
8 sleeping place.
9 (c) As used in this chapter, "bureau" means the bureau of motor
10 vehicles.
11 (d) As used in this chapter, "license branch" means a branch office
12 of the bureau authorized to register motor vehicles pursuant to the laws
13 of the state.
14 (e) As used in this chapter, "owner" means the person in whose
15 name the vehicle or trailer is registered (as defined in IC 9-13-2).
16 (f) As used in this chapter, "motor home" means a self-propelled
17 vehicle having been designed and built as an integral part thereof

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having living and sleeping quarters, including that which is commonly referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

(1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or

(2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

(1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.

(2) Mobile homes and motor homes.

(3) Vehicles assessed under IC 6-1.1-8.

(4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.

(5) Vehicles owned, or leased and operated, by an institution of higher education (as defined in IC 6-3-3-5(d)).

(6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).

(7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.

(9) Farm wagons.

(10) Effective January 1, 2008, motor scooters (as defined in IC 9-13-2-104) and motorized bicycles (as defined in IC 9-13-2-109).

SECTION 2. IC 9-13-2-105, AS AMENDED BY P.L.210-2005,

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SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle ~~except a motorized bicycle~~ that is self-propelled; or

(2) beginning January 1, 2008, a vehicle, including a motorized bicycle, that is self-propelled; or

~~(2)~~ **(3)** a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10:

(1) before January 1, 2008, does not include a motorized bicycle; and

(2) beginning January 1, 2008, includes:

(A) a motorized bicycle; and

(B) a motor scooter.

SECTION 3. IC 9-13-2-108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 108. **(a) Except as provided in subsection (b),** "motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. The term does not include a farm tractor or a motorized bicycle.

(b) For purposes of IC 9-24-8, beginning January 1, 2008, the term includes a motor scooter or motorized bicycle.

SECTION 4. IC 9-13-2-196, AS AMENDED BY P.L.41-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

(1) A device moved by human power.

(2) A vehicle that runs only on rails or tracks.

(3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.

(4) A firetruck and apparatus owned by a person or municipal

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division of the state and used for fire protection.

(5) A municipally owned ambulance.

(6) A police patrol wagon.

(7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:

(A) Road construction or maintenance machinery.

(B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.

(C) Construction dust control machinery.

(D) Well boring apparatus.

(E) Ditch digging apparatus.

(F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, ~~or~~ a motorized bicycle, **or a motor scooter.**

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 5. IC 9-17-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. In addition to other vehicles governed by this article, beginning January 1, 2008, this article (excluding IC 9-17-2-6, IC 9-17-8-1, IC 9-17-8-2, and IC 9-17-8-4) also applies to:**

(1) motor scooters; and

(2) motorized bicycles.

SECTION 6. IC 9-17-2-1, AS AMENDED BY P.L.219-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person

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that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; ~~or~~
- (2) are off-road vehicles; **or**
- (3) beginning January 1, 2008, are motor scooters or motorized bicycles;**

and that will be operated in Indiana.

(c) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(d) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 7. IC 9-17-2-5, AS AMENDED BY P.L.219-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. If an application for a certificate of title is for a vehicle or off-road vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle or off-road vehicle by the other state if the other state has a certificate of title law;
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle or off-road vehicle and the most recent registration receipt issued for the vehicle or off-road vehicle if the other state does not have a certificate of title law; or
- (3) other information that the bureau requires, if:

(A) the other state does not have a certificate of title or registration law that pertains to the vehicle or off-road vehicle;

or

(B) beginning January 1, 2008, the vehicle is a motor scooter or motorized bicycle.

SECTION 8. IC 9-17-2-6, AS AMENDED BY P.L.219-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. **(a) This section does not apply to a motor scooter or motorized bicycle.**

~~(a)~~ **(b)** This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter.

~~(b)~~ **(c)** A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the

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vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(c)~~ (d) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(d)~~ (e) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-8-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.3. Beginning January 1, 2008, the bureau shall determine the:**

(1) proof required for; and

(2) manner of issuance of;

a certificate of title required for a motor scooter or motorized bicycle.

SECTION 10. IC 9-17-8-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.7. For purposes of sections 1, 2, and 4 of this chapter, the term "motor vehicle" does not apply to a:**

(1) motor scooter; or

(2) motorized bicycle.

SECTION 11. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. In addition to other vehicles governed by this article, beginning January 1, 2008, this article (excluding IC 9-18-2-26(b)) also applies to:**

(1) motor scooters; and

(2) motorized bicycles.

SECTION 12. IC 9-18-2-26, AS AMENDED BY P.L.210-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 26. (a) License plates shall be displayed as follows:**

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a tractor, upon the front of the vehicle.

(3) Beginning January 1, 2008, for a motor scooter or motorized bicycle, in the manner determined by the bureau.

~~(3)~~ (4) For every other vehicle, upon the rear of the vehicle.

(b) This subsection does not apply to a motor scooter or motorized bicycle. A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

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- (1) to prevent the license plate from swinging;
- (2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;
- (3) in a place and position that are clearly visible;
- (4) maintained free from foreign materials and in a condition to be clearly legible; and
- (5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 13. IC 9-21-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) This section does not apply to a motorcycle, **motor scooter**, or motorized bicycle.

(b) A motor vehicle must display at least two (2) lighted lamps, one (1) on each side at the front of the motor vehicle.

(c) Whenever a motor vehicle equipped with head lamps required under subsection (b) is also equipped with:

- (1) auxiliary lamps;
- (2) a spot lamp; or
- (3) any other lamp on the front of the motor vehicle projecting a beam of intensity greater than three hundred (300) candlepower; not more than a total of four (4) lamps described in this subsection on the front of a vehicle may be lighted at one (1) time when upon a highway.

(d) Passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers must display clearance and marker lamps, reflectors, and stop lights as required under this title when operated upon a highway. Except as provided in subsection (e), all lamp equipment required on vehicles described in this subsection shall be lighted at the times specified in section 2 of this chapter.

(e) Clearance and sidemarker lamps are not required to be lighted on a vehicle described in subsection (d) when the vehicle is operated within a municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet.

SECTION 14. IC 9-21-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. In addition to the person who operates a motorcycle, **motor scooter**, or **motorized bicycle** that has only two (2) wheels in contact with the ground or pavement, one (1) person may be carried on the motorcycle, **motor scooter**, or **motorized bicycle**. A passenger may be carried only on a

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1 firmly attached and regular seat designed for passenger use.

2 SECTION 15. IC 9-21-10-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A passenger may not
4 be carried on a motorcycle, **motor scooter, or motorized bicycle** in a
5 position that interferes with the operation or control of the motorcycle,
6 **motor scooter, or motorized bicycle** or the view of the person who
7 operates the motorcycle, **motor scooter, or motorized bicycle**.

8 SECTION 16. IC 9-21-10-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person who
10 operates a motorcycle, **motor scooter, or motorized bicycle** may not
11 carry a package, bundle, or other article that prevents the person from
12 keeping both hands on the handlebars.

13 SECTION 17. IC 9-21-10-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person may not
15 drive, operate, or ride as a passenger on a motorcycle, **motor scooter,**
16 **or motorized bicycle** that has only two (2) wheels in contact with the
17 ground or pavement in a position other than astride the seat or saddle
18 provided.

19 SECTION 18. IC 9-21-10-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. Headlamps shall be
21 illuminated at all times when a motorcycle, **motor scooter, or**
22 **motorized bicycle** is in operation.

23 SECTION 19. IC 9-21-10-7 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. All traffic
25 regulations and all rights and duties inured from the traffic regulations
26 that apply to a person who drives or operates a motor vehicle apply to
27 a person who operates a motorcycle, **motor scooter, or motorized**
28 **bicycle**, except the following:

29 (1) Regulations that expressly do not apply to motorcycles, **motor**
30 **scooters, or motorized bicycles**.

31 (2) Regulations that by their nature have no application.

32 SECTION 20. IC 9-21-10-7.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2007]: **Sec. 7.5. Beginning January 1, 2008,**
35 **motorized bicycle or motor scooter may not be operated under any**
36 **of the following conditions:**

37 (1) **By a person who has not obtained:**

38 (A) **a temporary motorcycle learner's permit or a**
39 **motorcycle learner's permit under IC 9-24;**

40 (B) **an operator's license with a motorcycle license**
41 **endorsement under IC 9-24;**

42 (C) **a motorcycle operator's license under IC 9-24;**

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(D) a chauffeur's license with a motorcycle license endorsement under IC 9-24; or

(E) a public passenger chauffeur's license with a motorcycle license endorsement under IC 9-24.

(2) On an interstate highway or a sidewalk.

(3) At a speed greater than twenty-five (25) miles per hour.

SECTION 21. IC 9-21-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) If a person who is less than eighteen (18) years of age is operating or riding on a motorcycle on the streets or highways, the person shall wear the following:

(1) Protective headgear meeting the minimum standards set by the bureau.

(2) Protective glasses, goggles, or a transparent face shield.

(b) A person less than eighteen (18) years of age who operates or rides a motorized bicycle or motor scooter on a street or highway shall wear the following:

(1) Protective headgear meeting the minimum standards set by the bureau or a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218, as effective January 1, 1979.

(2) Protective glasses, goggles, or a transparent face shield.

SECTION 22. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. In addition to other vehicles governed by this article, beginning January 1, 2008, this article also applies to:

(1) motor scooters; and

(2) motorized bicycles.

SECTION 23. IC 9-29-4-4, AS AMENDED BY P.L.219-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) In addition to other vehicles governed by this article, beginning January 1, 2008, this section also applies to motor scooters and motorized bicycles.

(a) (b) The fee for a delinquent title is ten dollars (\$10). Except as provided in subsections (b), (c), and (d), and (e), the bureau shall collect this fee when a purchaser or transferee fails to apply for an original certificate of title or a transfer of title, by assignment, within thirty-one (31) days after the vehicle is purchased or otherwise acquired. This fee is in addition to all other fees imposed for the issuance of a certificate of title.

(b) (c) A dealer who titles a vehicle in the dealership's name for

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purposes of putting the vehicle in rental, leasing, or demonstrating service is not required to pay a delinquent title fee under this section, but shall pay the following for each title:

(1) The title fee under section 3 of this chapter.

(2) A service charge under IC 9-29-3.

~~(c)~~ **(d)** A dealer who titles a vehicle in the dealership's name for the purpose of selling the vehicle shall pay the following:

(1) The title fee under section 3 of this chapter.

(2) A service charge under IC 9-29-3.

~~(d)~~ **(e)** IC 9-17-2-1.5 applies to the purchase or acquisition of an off-road vehicle that is less than five (5) model years old.

SECTION 24. IC 9-29-5-2, AS AMENDED BY P.L.1-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The fee for the registration of a motorcycle **and, effective January 1, 2008, a motor scooter or motorized bicycle**, is seventeen dollars (\$17). The revenue from this fee shall be allocated as follows:

(1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 25. IC 13-11-2-130.1, AS ADDED BY P.L.170-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 130.1. (a) "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor, **a motor scooter**, or a motorized bicycle.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 9-21-11-12; IC 9-21-11-13.

SECTION 27. [EFFECTIVE JULY 1, 2007] **The application of IC 9-30-10 to motorized bicycles and motor scooters included under IC 9-13-2-105(d), as amended by this act, applies only to violations (as defined in IC 9-30-10-3) committed after December 31, 2007.**

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